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March 20, 2025

VIA ECF

Honorable Michael E. Farbiarz
United States District Judge
Frank R. Lautenberg U.S. Post Office & Courthouse
Federal Square
Newark, New Jersey 07102

Re: *United States v. Coburn & Schwartz,*
Dkt. No. 19-cr-120

Dear Judge Farbiarz:

As Your Honor is aware, this Firm represents defendant Steven Schwartz in the above-captioned matter. Attached please find the entry of appearance of Nicolas Bourtin of Sullivan & Cromwell LLP as counsel for Mr. Schwartz in this matter, as well as a letter from Mr. Bourtin in response to the Court's Order of this morning. ECF No. 1013.

Respectfully submitted,

s/ Lawrence S. Lustberg
Lawrence S. Lustberg

cc: All counsel of record (via ECF)

APPENDIX B. CRIMINAL CASE APPEARANCE FORM

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

GORDON J. COBURN and
STEVEN SCHWARTZ

CRIMINAL NO. 19-120 (MEF)

APPEARANCE

To the Clerk of this Court and all parties of record:

Enter my appearance as counsel in this case for STEVEN SCHWARTZ

Name of Defendant

I hereby certify under penalty of perjury that I am a member in good standing of the bar of the following Court(s) since the indicated year of admission and that I am not the subject of suspension or disbarment from any Court:

New York
District of Columbia
U.S. Supreme Court
Court of Appeals Second Circuit
Southern District of New York
Eastern District of New York
Northern District of New York
U.S. District Court, District of Columbia
U.S. District Court, Eastern District of Michigan

1997
1999
2009
2002
1998
1998
2000
2010
2021

Court(s)

Year(s) of Admission

Date: March 20, 2025

Signature of Attorney

Nicolas Bourdin

Print Name

125 Broad Street

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New York NY 10004

City State Zip Code

212 558 3920 212 291 9014

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March 20, 2025

Via ECF

The Honorable Michael E. Farbiarz,
United States District Judge,
U.S. District Court for the District of New Jersey,
Frank R. Lautenberg U.S. Post Office & Courthouse,
2 Federal Square,
Newark, N.J. 07102.

Re: United States v. Coburn and Schwartz, No. 19-cr-00120 (MEF)

Dear Judge Farbiarz:

I was engaged yesterday by the defendant Steven Schwartz in the above-captioned matter. I write on his behalf to respond to the Court's Order from earlier today concerning whether Mr. Schwartz's trial can appropriately proceed on April 7, 2025. It is our position that a reasonable adjournment of the trial date is necessary in order to preserve Mr. Schwartz's right to a fair trial and the effective assistance of counsel of his choice.

As the Court notes, Mr. Schwartz has been represented by three law firms in this case: Paul Weiss, Gibbons, and Bohrer. Paul Weiss was to be Mr. Schwartz's lead trial counsel at trial. As the Court is aware, on March 14, 2025, the President issued an Executive Order that, among other things, stated: "[t]he heads of all agencies shall, to the extent permitted by law, provide guidance limiting official access from Federal Government buildings to employees of Paul Weiss when such access would threaten the national security of or otherwise be inconsistent with the interests of the United States. In addition, the heads of all agencies shall provide guidance limiting Government employees acting in their official capacity from engaging with Paul Weiss employees to ensure consistency with the national security and other interests of the United States."

It is clear that the March 14 Executive Order creates a conflict of interest that burdens Paul Weiss's representation of Mr. Schwartz, as set forth in Paul Weiss's motion to withdraw as counsel. For understandable reasons, Mr. Schwartz is not prepared to waive that conflict, if indeed it is waivable. As a result, we submit that the Court should grant Paul Weiss's motion to withdraw, as Mr. Schwartz cannot be forced to proceed to trial with Paul Weiss as his counsel consistent with his Fifth and Sixth Amendment rights.

The Honorable Michael E. Farbiarz

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While Gibbons and Bohrer remain as counsel for Mr. Schwartz, neither Gibbons nor Bohrer have prepared to lead this trial. As the Court is aware, because of his other substantial trial commitments, Mr. Lustberg was not available to participate in the trial had it gone forward in March. Accordingly, until the issuance of the March 14 Executive Order, Paul Weiss prepared for the trial of this matter with the expectation that it alone would serve as trial counsel for Mr. Schwartz, and it is that role that Mr. Schwartz has asked Sullivan & Cromwell to step into. We will need time to review and understand the voluminous evidentiary record, prepare to conduct cross-examinations, and discuss and formulate trial strategy with Mr. Schwartz and co-counsel. That work cannot reasonably be completed by April 7.

Accordingly, we respectfully request that the Court adjourn the trial date and provide us a reasonable amount of time to begin to review the evidence and history of this case so that we can have an informed discussion with the Court, the government, and counsel for Mr. Coburn concerning a reasonable new date for trial.

Finally, we understand that trial in this matter has been continued several times already, and we appreciate the Court's interest in trying this case as soon as is reasonably possible. But we submit that Mr. Schwartz has no responsibility for and could not have anticipated the Executive Order that has led to this adjournment request.

To the extent that there are further details that the Court wishes to hear concerning this matter, we are prepared to discuss this issue further and answer any questions Your Honor may have, *ex parte* and in camera, if appropriate.

Respectfully submitted,

/s/ Nicolas Bourtin
Nicolas Bourtin

cc: Counsel of Record (via ECF)